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Patent
Attorney Docket No. GEMS8081.023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Durbin et al.
Serial No.	:	09/681,017
Filed	:	November 22, 2000
For	:	Method and System To Remotely Enable Software-Based Options For A Trial Period
Group Art No.	:	3621
Examiner	:	Hewitt, C.

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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Date: September 15, 2004

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Commissioner for Patents
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SUPPLEMENTAL APPEAL BRIEF
PURSUANT TO 37 C.F.R. §§1.191 AND 1.192

Dear Sir:

This Supplemental Appeal Brief is being filed pursuant to 37 CFR 1.193(b)(2)(ii) and in furtherance to the Notice of Appeal submitted concurrently herewith. Appellant hereby seeks reinstatement of the Appeal. Furthermore, this Supplemental Appeal Brief incorporates herein the relevant portions of the Appeal Brief filed April 21, 2004.

1. **REAL PARTY IN INTEREST**

The real party in interest is General Electric Company, the Assignee of the above-referenced application by virtue of the Assignment to General Electric Medical Technology Services, Inc. recorded on February 12, 2001, at reel 011585, frame 0816.

2. **RELATED APPEALS AND INTERFERENCES**

Appellant filed an Appeal Brief on April 21, 2004. Responsive thereto, the Examiner issued a new Office Action proffering a new basis of rejections. However, the primary basis of rejection remained unchanged. Specifically, the previous basis of rejection with respect to claims 1-7, 15, and 23-26, as addressed in the Appeal Brief of April 21, 2004, was unchanged. Accordingly, Appellant hereby presents this Supplemental Appeal Brief that is merely supplemental to the Appeal Brief filed April 21, 2004.

The undersigned is Appellant's legal representative in this Appeal. General Electric Company, the Assignee of the above-referenced application, as evidenced by the documents mentioned above, will be directly affected by the Board's decision in the pending appeal.

3. **STATUS OF THE CLAIMS**

Claims 1-26 are currently pending, and claims 1-26 have been thrice rejected and, thus, are the subject of this appeal.

4. **STATUS OF AMENDMENTS**

The Appellant has not submitted any amendments subsequent to the Final Office Action mailed on November 13, 2003 or the subsequent Non-final Office Action mailed June 15, 2004.

5. **SUMMARY OF THE INVENTION AND OF THE DISCLOSED EMBODIMENTS**

Incorporated herein by reference from the Appeal Brief filed April 21, 2004.

6. **GROUNDS OF REJECTION**

Claim 22 stands rejected as being of improper dependent form under 37 CFR 1.75(c). Additionally, claims 18-26 are rejected as being directed to non-statutory subject matter under 35 U.S.C. §101. Also, claims 7, 12-14, 16, and 17 stand rejected as not being enabled as required under 35 U.S.C. §112, first paragraph. Claims 11-14 and 16-17 stand rejected as being indefinite under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Furthermore, claims 1-3, 6-7, 23, 24, and 26 have been rejected as being anticipated by Neville et al. (USP 6,272,636) under 35 U.S.C. §102(e). Also, claims 4, 5, 15, and 25 stand rejected as unpatentable under 35 U.S.C. §103(a) over the single reference Neville et al. Claims 8 and 9 have been rejected as being unpatentable under 35 U.S.C. §103(a) over Neville et al. in view of Linden et al. (USP 6,360,254). Also, claims 10-14 and 16-18 stand rejected as unpatentable over Neville et al. in view of Eltoto et al. (USP 5,737,424) under 35 U.S.C. §103(a). Additionally, claim 19 was rejected as unpatentable over Neville and Oki et al. (USP 6,115,471) and in further view of Ernest (USP 4,888,798) under 35 U.S.C. §103(a). Finally, claims 20-22 stand rejected as unpatentable under 35 U.S.C. §103(a) over Neville et al. and Eltoto et al., and in further view of Oki et al.

Therefore, the Examiner has provided a combination of grounds for rejection which Appellant contests. As will be particularly explained, claims 1, 8-11, 13, 18, and 23 contain subject matter that is patentably distinct from the art of record. Therefore, as will be shown below, claims 1, 8-10, 13, 18, and 23 do not all stand or fall together because at least each of these claims includes subject matter that is patentably distinct from the art of record.

As discussed in detail below, the Examiner has improperly rejected the pending claims. The Examiner has misapplied long-standing and binding legal precedents and principles in rejecting the claims under §§ 101, 112, 102(e), and 103(a). Accordingly, Appellant respectfully requests full and favorable consideration by the Board, and ultimate allowance of claims 1-26 as Appellant believes claims 1-26 are currently in condition for allowance.

While the rejections proffered in the Office Action June 15, 2004 included some additional basis of rejection, the substantive rejections based on Neville et al. were reiterated. Accordingly, Appellant incorporates herein by reference the background remarks regarding the broad distinctions between the claimed invention and the art of record from the Appeal Brief filed April 21, 2004.

7. OBJECTIONS UNDER 37 CFR 1.75(c)

The Examiner objected to claim 22 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Examiner asserted that because claim 18 is directed to a computer program and claim 22 is directed to a particular medium of storage for the program of 18, claim 22 is not further limiting. However, claim 22 calls for a particular storage medium, not called for in claim 18 and adds additional limitations. As claim 22 clearly includes limiting subject matter not present in claim 18, Appellant believes claim 22 is fully compliant with 37 CFR 1.75(c).

8. REJECTIONS UNDER §101

The Examiner rejected claims 18-26 under §101 because the Examiner contended, "Claim 18 is non-statutory as it recites non-functional data...because it is directed to a computer not stored on a computer readable medium." June 15, 2004, Office Action, pg. 3. However, claim 18 calls for "[a] computer program which, when executed by a computer, causes the computer to" complete a plurality of steps. As such, claim 18 does not call for a computer program in the abstract but a computer program that is specifically configured to cause a computer to execute a plurality of specific steps.

Substantive case law on point, as reflected in the MPEP, clearly states that computer programs are patentable subject matter when claimed as either a product or a process. *See* MPEP §2106. Specifically, MPEP §2106 is clear, "To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan...or (B) be limited to a practical application within the technological arts. *Citing Diamond v. Diehr*, 450 U.S. at 183-84, 209 USPQ at 6 (quoting Cochrane v. Deener, 94 U.S. 780, 787-88

(1877)). By way of example, MPEP §2106 states that a claim calling for "[a] computerized method of optimally controlling transfer, storage and retrieval of data between cache and hard disk storage devices such that the most frequently used data is readily available" is patentable under §101.

Claim 18 is clearly patentable under §101 as conforming to a statutory process as illustrated in the above cited section of MPEP §2106. Upon reviewing claim 18 as a statutory process claim, it is clear that claim 18 is in compliance with §101. Accordingly, claims 19-22 are also in compliance with §101.

The Examiner also rejected claim 23 "because a carrier wave is not a computer readable medium as it is not persistent storage." June 15, 2004, Office Action, pg. 3. However, claim 23 calls for "[a] computer data signal embodied in a carrier wave and representing a set of instructions which, when executed by at least one processor, causes the at least one processor to enable an option in a device." Under MPEP §2106(IV)(B)(1)(c) "a signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature." *Citing O'Reilly v. Morse*, 56 U.S. (15 How.) 62, 114-19 (1853); *In re Breslow*, 616 F.2d 516, 519-21, 205 USPQ 221, 225-26 (CCPA 1980). Therefore, the fact that the carrier wave of claim 23 "is not a computer readable medium as it is not persistent" is irrelevant to patentability under §101 as explained in MPEP § MPEP §2106(IV)(B)(1)(c). Simply, claim 23 is patentable under §101 because, as stated in MPEP §2106(IV)(B)(1)(c), it calls for a signal directed to a practical application of electromagnetic energy that "causes the at least one processor to enable an option in a device." Accordingly, claims 24-26 are also in compliance with §101.

9. REJECTIONS UNDER §112, FIRST PARAGRAPH

The Examiner rejected claims 7, 12-14, 16, and 17 under §112, first paragraph, as failing to comply with the enablement requirement. The Examiner asserted that claims 7 and 26 call for "remotely enabling the feature automatically," which the Examiner contended is not supported by the Specification because such only "provides for sending an enabling feature from a remote location and enabling an option using said feature." June 15, 2004, Office Action, pg. 4.

It appears that the Examiner attempted to imply that the enabling cannot be "automatic" because it requires the use of a "feature." However, the Specification states, "Each subscribing station has operational software associated therewith which can be configured, serviced, maintained, upgraded, monitored, enabled or disabled by the on-line center 16." Specification, pg. 8. The Specification continues by stating that the on-line center includes enabling "features" or "keys" and if "automated activation is desired 126, 128, the software key is downloaded to the product/equipment 130 and the software key is automatically installed to activate the option requested 132." *Id.*, pg. 14 (emphasis added). Therefore, the Specification is clear that such enabling, while using a "feature" or "key," is automated.

Additionally, it appears that the Examiner's misinterpretation of the claims stems from an improper review of the claims by failing to consider the claim as a whole. For example, claim 7 calls for "wherein the step of sending an enabling feature includes downloading the enabling feature to the equipment and remotely enabling the feature automatically and without further user input." Therefore, claim 7, which further defines claim 1, calls for the enabling feature, which is sent from a remote centralized facility, to automatically enable the requested option "without further user input." Appellant believes that claim 7 is clearly consistent and enabled by the above cited section of the Specification, as well as the Specification as a whole.

Accordingly, Appellant believes claim 7 is fully enabled by the Specification and no additional matters with respect to §112, first paragraph remain. As the rejected subject matter of claim 26 under §112, first paragraph, was under the same basis addressed above, Appellant believes claim 26 to be in compliance with the enablement requirement of §112, first paragraph, for at least the reasons stated above.

Regarding claim 12, the Examiner rejected the claim because it calls for the system to "generate an option key specific to the system I.D." June 15, 2004, Office Action, pg. 4. The Examiner asserted, "The Specification, however, only discloses using a system ID to verify whether a feature is enabled." *Id.* While the Specification does not explicitly state that the option is generated specific to the system I.D., such is implicit because using a "general," or "non-specific" key would be contrary to the express purpose of the invention. That is, the invention serves to overcome the limitations of the

prior art to enable different options of a wide variety of systems. *See* Specification, pg. 1-2. The Specification is clear that beyond the wide variety of medical diagnostic systems seeking service "many facilities today incorporate a variety of such equipment all of which may not be configured identically." *Id.*, pg. 1. Therefore, since the systems serviced by the invention are varied in type and configuration, then it logically follows that a single enabling key would be unlikely to service the varied spectrum of devices and configurations. Therefore, a key specific to the system as communicated through the system I.D. is implicit in the Specification. That is, it is only logical that the key be specific to the system I.D. since the keys are created in response to an activation request rather than simply having one stored "master" or "generic" key.

Nevertheless, claim 12, and in fact all claims, stand as originally filed. Therefore, under MPEP §2164, if the limitation, in and of itself, enables one of ordinary skill in the art, the claim is enabled under §112, first paragraph, even though it may or may not be described in the original disclosure. Appellant believes that one of ordinary skill in the art would be readily capable of generating a key either specific or non-specific to the system I.D. based on the overall disclosure of the Specification and the claims. Specifically, the Specification clearly teaches that communication of a system I.D. when making an option enabling request. *Id.* Therefore, when generating the key the central facility already has the system I.D. Regardless of whether the Specification explicitly states that the key is specific to the system I.D. or not, one of ordinary skill would certainly be capable of doing so from the disclosure.

Therefore, for at least these reasons, claim 12 is fully enabled under §112, first paragraph. Accordingly, claim 13, 14, 16, and 17, which the Examiner rejected under §112, first paragraph, because "they depend from claim 12," are also in compliance with §112, first paragraph. June 15, 2004, Office Action, pg. 4.

10. REJECTIONS UNDER §112, SECOND PARAGRAPH

The Examiner rejected claims 11-14 and 16-17 under §112, second paragraph, as indefinite. The Examiner stated, "Claim 11 recites conditional language without sufficiently providing one of ordinary skill instructions for proceeding in the event at least one of the conditions fail (see claim 18 and it[s] use of 'otherwise')." June 15, 2004,

Office Action, pg. 4-5. The Examiner then concluded that "claims 11-14, 16, and 17 have been examined as if the user ID has not been validated, hence claims 12-14, 16, and 17 do not occur." *Id.* (emphasis added). Simply, the Examiner did not consider claims 12-14, 16, and 17. Appellant believes the position of the Examiner is not only incorrect but clearly improper under the U.S.C., C.F.R., MPEP, and substantive case law on point.

First, Appellant is entitled to claim the invention as Appellant sees fit. Contrary to the position of the Examiner, Appellant is not required to claim each and every possible contingency. Extending the position of the Examiner, Appellant would be required to claim all contingencies regardless of how ridiculous, irrelevant, or improbable such a contingency would be to the claimed invention. This is not the case. Appellant has claimed, and the Examiner must consider, *only* the limitations expressly called for within the confines of the claims. Claim 11, in part, calls for: "if the user I.D. is validated, receive a system I.D. and validate the system I.D." Therefore, the "conditional language" affirmatively calls for the limiting steps of receiving a system I.D. and validating the system I.D. The element must be fully considered by the Examiner.

Second, in order to practice the invention called for in claim 11 one of ordinary skill in the art would not need information regarding the "otherwise," as the Examiner contended. The invention called for in claim 11 does not include the "otherwise" because the "otherwise" is irrelevant in the context of the claims. Appellant does not seek patent coverage of any "otherwise" in claim 11. Further, it is not the claims that are to teach one of ordinary skill to practice the claimed invention -- that is the Specification.

Third, just because the "otherwise" is unclaimed, does not give the Examiner license to construe the claim "as if the user ID has not been validated" or provide a basis to neglect the examination of claims 12-14, 16, and 17. June 15, 2004, Office Action, pg. 4-5. Claims 12-14, 16, and 17 include explicit limitations which require full and proper examination.

Appellant believes the Examiner's position is without merit. Claims 11-14 and 16-17 are in full compliance with §112, second paragraph, and must be fully considered as such. Furthermore, upon proper review of the claims, including all limitations expressly called for, Appellant believes claims 11-14, 16, and 17 are patentably distinct from the art of record.

11. REJECTIONS UNDER §102(e)

Independent Claim 1:

Regarding claim 1, the Examiner reiterated the previous rejection based on Neville et al. verbatim. Accordingly, Appellant incorporates herein by reference from the Appeal Brief filed April 21, 2004, the remarks specifically regarding claim 1. For at least those reasons, Appellant believes claim 1 requires independent consideration and a finding that claim 1 is patentably distinct from the art of record.

Independent Claim 23:

Regarding claim 23, the Examiner reiterated the previous rejection based on Neville et al. verbatim. Accordingly, Appellant incorporates herein by reference from the Appeal Brief filed April 21, 2004, the remarks specifically regarding claim 23. For at least those reasons, Appellant believes claim 23 requires independent consideration and a finding that claim 23 is patentably distinct from the art of record.

12. REJECTIONS UNDER §103(a)

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. MPEP §2142. The Examiner has fallen drastically short of the standard that must be met in order to sustain a rejection under §103(a). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes each and every element of the claimed invention, but also provide "a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

In particular, to establish a *prima facie* case of obviousness, the Examiner must affirmatively establish three independent and distinct criteria as follows:

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill

> in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

MPEP §2143 (emphasis added).

As will be shown, the Examiner has clearly failed to establish a *prima facie* case of obviousness.

Claim 8:

Although, claims 2-9 are patentable at least due to the chain of dependency, Appellant believes claim 8 contains subject matter that is additionally distinguishable from the art of record. However, since the Examiner simply reiterated the previous rejection based on Neville et al. in view of Linden et al., Applicant incorporates herein by reference the remarks specifically regarding claim 8 from the Appeal Brief filed April 21, 2004. For at least those reasons, Appellant believes claim 8 requires independent consideration and a finding that claim 8 is patentably distinct from the art of record.

Claim 9:

Appellant believes claim 9 contains subject matter that is additionally distinguishable from the art of record. However, since the Examiner simply reiterated the previous rejection based on Neville et al. in view of Linden et al., Applicant incorporates herein by reference from the Appeal Brief filed April 21, 2004, the remarks specifically regarding claim 9. For at least those reasons, Appellant believes claim 9 requires independent consideration and a finding that claim 8 is patentably distinct from the art of record.

Independent Claim 10:

Regarding claim 10, the Examiner stated that "Neville et al. also teach validating an options request, creating an option key in response thereto, a communications network for relaying data, and transmitting the option key through an external communications network('636, column 10, lines 62-65; column/line 13/13-14/15)." November 13, 2003, Office Action, pg. 4 and June 15, 2004, Office Action, pg. 8. However, the Examiner apparently acknowledged that such was inaccurate and cited Elteto et al. as teaching "creating an option key in response thereto." June 15, 2004, Office Action, pg. 8. However, Eleto et al. cannot be combined with Neville et al. for this purpose because (1)

Neville et al. teaches away from "creating an option key in response thereto" and (2) such a combination would render Neville et al. unfit for its intended purpose. See MPEP §§ 2141.02 and 2145.

Neville et al. teaches that "[t]he server stores a symmetric unlock key used previously by the builder (FIG. 7) to encrypt selected portions of the metered application, e.g., code section 302 (FIG. 4) and entries 408 in section table 300d'." Neville et al., col. 10, lns 46-50. Therefore, contrary to the Examiner's assertion, the server of Neville et al. does not *create* an option key in response to an option request. Rather, Neville et al. is clear that any "unlock key" is created well before any request because Neville et al.'s unlock key is necessary to build the very execution controlled product that ultimately makes a request. *Id.* Accordingly, Neville et al. teaches away from the server creating an unlock key because the server must instead retrieve and send a "stored" unlock key. *Id.*

One of ordinary skill in the art will readily recognize that there is a distinct difference between retrieving a previously stored key in response to a request and generating anew, a key in response to a request. Simply, Neville et al. teaches that all keys are created when building an execution controlled product. Therefore, Neville et al. teaches that the keys are stored by the server and later retrieved and supplied upon request and are not created. *Id.* Therefore, Neville et al. does not teach "an on-line center capable of receiving and authenticating a user I.D....and creating an option key in response thereto," as claimed. Accordingly, Neville et al. cannot be properly combined with Elteto et al. MPEP §§ 2141.02 and 2145.

Furthermore, since Neville et al. teaches that it is *necessary* for the keys to be created in order to build an execution controlled product and the ultimate goal of Neville et al. is to create an execution controlled product, modifying Neville et al. to create keys later in response to either a request or validation of a request or user ID would preclude Neville et al. from ever building the execution controlled product. Simply, since the keys are required to be created prior to creating the end product they cannot be created later in response to either a request or validation of a request or user ID, as claimed. Therefore, the combination of Neville et al. and Elteto et al. would render Neville et al. inoperable for its intended purpose and the combination in this manner is precluded under MPEP §§2143 and 2145.

Accordingly, claim 10 is patentably distinct from the cited art. Therefore, for at least the above reasons, claim 10 must be fully considered for patentability independent of any group. Furthermore, claims 11-17 are in condition for allowance at least pursuant to the chain of dependency.

Claim 11:

As stated above, the Examiner did not properly consider elements of claim 11 in proffering a rejection of the claim. Claim 11 calls for the receipt of "a user I.D." and "if the user I.D. is validated, receiv[ing] a system I.D. and validat[ing] the system I.D." Claim 11 is therefore clear that a system I.D. cannot be the equivalent of a user I.D. As previously addressed with respect to the rejection of claim 11 under §112, second paragraph, these elements must be properly considered. Upon proper consideration, claim 11 is patentably distinct from the art of record and must be considered for patentability independent from any group.

Claim 13:

The Examiner rejected claim 13 as unpatentable over Neville et al. in view of Elteto et al. Claim 13 calls for the computer to "download and install the option key in medical equipment at the subscribing station" and "verify option enablement in the medical equipment." The Examiner contended that while "Neville doesn't explicitly recite a client system as a medical imaging scanner...an 'end-user computer' (column 10, lines 62-67) is elastic enough to encompass any device that 'accepts structured input, process it according to prescribed rules, and produces the result as an output.'" Office Action mailed June 15, 2004, pg. 8. However, not only would such a standard render most all computer related inventions unpatentable, the Examiner's position is just plain wrong and unsupported.

Neville et al. is specifically and *only* directed to traditional end-user computer systems, as identified by the Examiner. However, claim 13, in combination with claim 10, calls for both "at least one computer programmed to control the in-field product" and "medical equipment." Therefore, claim 13, when read as a whole with all limitations carried from claim 10, requires not only a computer but also medical equipment and also requires that the key is downloaded to the medical equipment and not the computer. On the other hand, while Neville et al. may teach an "end-user computer," it does not teach

additional and different systems, i.e. medical equipment, nor that the key be downloaded to any additional system.

Beyond the fact that the combination does not teach downloading or installation of an option key into medical equipment, Neville et al. simply does not teach or suggest verification of option enablement, as claimed. However, the Examiner failed to address this limitation and has continued to ignore this explicit claim limitation.

As such, claim 13 is also patentably distinct from the art of record. Due to these distinctions, claim 13 must be considered for patentability independent from any group.

Independent Claim 18:

The Examiner rejected claim 18 in combination with claim 10 but failed to address the specific and unique elements of claim 18. As such, for at least the reasons stated above with respect to claim 10, claim 18 is patentably distinct from the art of record.

However, claim 18 includes additional elements that are distinguishable beyond the reasons previously articulated. Specifically, neither reference teaches or suggests a comparison of "the option-enabling request with any other option requests for that system I.D.," as claimed. Neville et al. teaches a system that only determines whether the digital product requesting an "unlock key" is outside the evaluation period and, if so, declines to fulfill the request. *See* Neville et al., col. 2, lns. 28-34 and col. 13, lns. 31-35. Additionally, Elteto et al. teaches that when a user decides that the locked software should be unlocked, the user calls a fulfillment center and receives an encrypted unlocking code. *See* Elteto et al., col. 2, lns. 16-30. Elteto et al. teaches a system to prevent unauthorized use but does not address any criteria for distinguishing use that is authorized versus unauthorized. As such, neither Neville et al. nor Elteto et al. teach or suggest a comparison of "the option-enabling request with any other option requests for that system I.D."

As such, claim 18 is patentably distinct from the art. Therefore, for at least these reasons, claim 18 must be considered for patentability separately from any group. Accordingly, claims 19-22 are in condition for allowance pursuant to the chain of dependency.

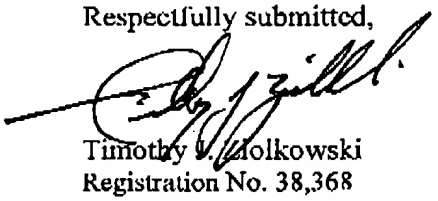
13. **CONCLUSION**

Appellant respectfully submits that the Examiner has provided no supportable position or evidence that claims 1-26 are unpatentable. Accordingly, Appellant respectfully requests that the Board find claims 1-26 patentable over the prior art of record and withdraw all outstanding rejections.

General Authorization for Extension of Time

In accordance with 37 C.F.R. §1.136, Appellant hereby provides a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefore. As this is a Supplemental Appeal Brief, all fees associated with filing a Notice of Appeal under 37 C.F.R. §1.17(b) and an Appeal Brief under 37 C.F.R. §1.17(c) have already been paid with the initial Notice of Appeal filed February 13, 2004, and the corresponding Appeal Brief filed April 21, 2004. Nonetheless, Appellant authorizes the Commissioner to charge account no. 07-0845 the appropriate fee for an extension of time or any other fee which may be currently due.

Respectfully submitted,



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10. APPENDIX OF CLAIMS ON APPEAL

1. (Original) A method to remotely enable software-enabled options comprising the steps of:

receiving a user I.D. at a centralized facility from a user;

receiving an option-enabling request from the user specifying an option requested to be enabled in equipment at a subscribing station;

at the centralized facility, confirming that the option has not already been enabled;

sending an enabling feature from the centralized facility to the equipment in the subscribing station; and

activating the option in the equipment.

2. (Original) The method of claim 1 wherein the enabling feature is a software key designed to enable software already installed in the equipment.

3. (Original) The method of claim 1 where the enabling feature is software to run the feature in the equipment.

4. (Original) The method of claim 1 wherein the equipment includes medical imaging scanners.

5. (Original) The method of claim 1 further comprising the step of designing a software key to enable the option for a predetermined trial period.

6. (Original) The method of claim 1 further comprising the step of authenticating the user I.D. after receiving the user I.D. at the centralized facility.

7. (Original) The method of claim 1 wherein the step of sending an enabling feature includes downloading the enabling feature to the equipment and remotely enabling the feature automatically and without further user input.

8. (Original) The method of claim 1 wherein the step of sending an enabling feature to the equipment includes sending the enabling feature by one of FTP and email to a field engineer for manual installation and enablement of the feature.

9. (Original) The method of claim 1 further comprising the step of:

verifying the option activation; and

sending a verification email to the user confirming option enablement.

10. (Original) An option-enabling system comprising:

a subscribing station having at least one in-field product and at least one computer programmed to control the in-field product;

an on-line center capable of receiving and authenticating a user I.D., validating an option request, and creating an option key in response thereto; and

a communications network to relay data from the on-line center to the subscribing station, the communications network including a communications portion in the on-line center and a communications portion in the subscribing station, and further includes an ability to connect the on-line center to the subscribing station through an external communications network and transmit the option key from the on-line center to the subscribing station in response to a user I.D. receipt and authorization, and a valid option request receipt.

11. (Original) The system of claim 10 further comprising a computer within the on-line center programmed to:

receive a user I.D. at the on-line center from a user and validate the user I.D.;

receive an option request from the user;

if the user I.D. is validated, receive a system I.D. and validate the system I.D.;

if the system I.D. is validated, check whether the option requested was previously enabled; and

if the option requested was not previously enabled, enable the option requested.

12. (Original) The system of claim 11 wherein the computer is further programmed to generate an option key specific to the system I.D.

13. (Original) The system of claim 12 wherein the computer is further programmed to:

download and install the option key in medical equipment at the subscribing station; and

verify option enablement in the medical equipment.

14. (Original) The system of claim 13 wherein the computer is further programmed to send an electronic verification of the option enablement.

15. (Original) The system of claim 10 wherein the subscribing station includes at least one medical imaging device.

16. (Original) The system of claim 12 wherein the computer is further programmed to FTP or email the option key to a user identified by the user I.D. to allow the user to manually enable the option.

17. (Original) The system of claim 12 wherein the computer is further programmed to generate the option key with a disablement feature to disable the option after a predetermined time period.

18. (Original) A computer program which, when executed by a computer, causes the computer to:

receive an option-enabling request from a user to request an option to be enabled in a medical device located remotely from an on-line center;

receive a system I.D. and validate the system I.D. with data from a database at the on-line center;

compare the option-enabling request with any other option requests for that system I.D. in the database at the on-line center and reject the option-enabling request if the comparison results in a predefined number of matches;

otherwise, generate an option key and forward the option key to one of the user and the medical device to enable the option.

19. (Original) The computer program of claim 18 wherein the generation of the option key includes creating a disabling feature to disable the option after a predetermined number of days.

20. (Original) The computer program of claim 18 wherein the computer program further causes the computer to receive and authenticate a user I.D. before receiving an option-enabling request.

21. (Original) The computer program of claim 18 wherein the predefined number of matches is one.

22. (Original) The computer program of claim 18 stored in memory of and incorporated into an on-line center that is connected to a plurality of subscribing stations, each subscribing station having at least one medical imaging scanner that has operational software that comprises modules, where at least one of the modules is optional and not operational and the option key is generated to automatically enable the at least one optional module.

23. (Original) A computer data signal embodied in a carrier wave and representing a set of instructions which, when executed by at least one processor, causes the at least one processor to enable an option in a device by:

receiving a user I.D. at a centralized facility;

receiving an option-enabling request specifying an option requested to be enabled in the device at a subscribing station;

confirming that the option has not already been enabled; and if not,

sending an enabling feature from the centralized facility to the device in the subscribing station; and

activating the option in the device.

24. (Original) The computer data signal of claim 23 wherein the enabling feature is a software key designed to enable software already installed in the device.

25. (Original) The computer data signal of claim 23 wherein the device includes medical imaging scanners and further includes designing a software key to enable the option in the medical image scanner for a predetermined trial period.

26. (Original) The computer data signal of claim 23 further causing the acts of:

authenticating the user I.D. after receiving the user I.D. at the centralized facility; and

wherein the act of sending an enabling feature includes downloading the enabling feature to the equipment and remotely enabling the feature automatically and without further user input.